

0304648 ✓

BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE
FOR THE STATE OF TENNESSEE

TENNESSEE INSURANCE DIVISION,
Petitioner,

vs.

JOHN B. MAIZE, JR.
Respondent.

No.: 12.01-092981J

NOTICE OF DEFAULT AND INITIAL ORDER

This matter came to be heard on December 5, 2006, before Phillip D. Barber, an Administrative Judge assigned to the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Commerce and Insurance in Nashville, Tennessee. Karen L. Heidel, Staff Attorney, Department of Commerce and Insurance, represented the State. The Respondent, John B. Maize, Jr. was not present at the hearing, nor did an attorney appear on his behalf.

ORDER OF DEFAULT

This matter was heard upon the Petitioner's Motion for Default due to a failure of the Respondent, John B. Maize, Jr., to appear or to be represented at the hearing on December 5, 2006, after receiving proper notice thereof. The record indicates that the Respondent, John B. Maize, Jr. was properly served under the provisions of Tenn. Code Ann. § 56-6-112. After consideration of the record, it was determined that the Petitioner's motion was proper. The Respondent, John B. Maize, Jr., was held in **DEFAULT**, and the Petitioner was permitted to proceed with an uncontested case.

7. The Respondent failed to produce the documents as subpoenaed and ordered by the Commissioner.

8. On August 11, 2004, the Commissioner issued a Subpoena Ad Testificandum which directed the Respondent to appear before the Commissioner's designees on October 19, 2004, to give testimony pursuant to a lawful investigation being conducted by the Securities Division.

9. Respondent received legal service of the subpoena on August 21, 2004.

10. The Respondent failed to appear before the Commissioner's designee as subpoenaed and ordered by the Commissioner.


CONCLUSIONS OF LAW

1. Tenn. Code Ann. § 56-6-112(a)(2) provides, that the Commissioner may place on probation, suspend, or revoke a license or may levy a civil penalty in accordance with subsection (e), or take any combination of such actions, under this part if she finds that an insurance producer has violated any law, rule, subpoena or order of the Commissioner.

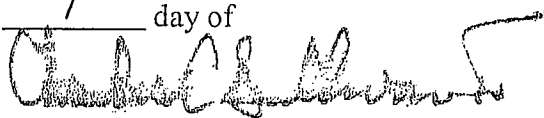
2. The State has met its burden of proof by a preponderance of the evidence that the Respondent violated three (3) subpoenas of the Commissioner directing him to produce documents and appear before the Commissioner's designees.

It is therefore **ORDERED** that license number 304648, issued to John B. Maize, Jr. be **REVOKED**.

This Initial Order entered and effective this 7 day of December, 2006.


Phillip D. Barber
Administrative Judge

Filed in the Administrative Procedures Division, this 7 day of
December, 2006.



Charles C. Sullivan, II, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon all parties, by delivering the same to them, or to their counsel, at their address of record, or by placing a true and correct copy of same in the United States mail, postage prepaid.

This 7 day of December, 2006.



Administrative Procedures Division
Office of the Secretary of State

SUBMITTED FOR ENTRY:



Karen L. Heidel (BPR # 024484)
Staff Attorney
Department of Commerce and Insurance
500 James Robertson Parkway
Davy Crockett Tower, Fifth Floor
Nashville, Tennessee 37243
615 253-4701